

By: Representatives Hood, Horan

To: Judiciary A;  
Appropriations A

## HOUSE BILL NO. 1366

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 REVISE HOW CIRCUIT AND CHANCERY JUDGES MAY USE THEIR OFFICE  
3 EXPENSE ALLOWANCES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is  
6 amended as follows:

7 9-1-36. (1) Each circuit judge and chancellor shall receive  
8 an office operating allowance for the expenses of operating the  
9 office of the judge, including retaining a law clerk, legal  
10 research, stenographic help, stationery, stamps, furniture, office  
11 equipment, telephone, office rent and other items and expenditures  
12 the judge finds to be necessary and incident to maintaining the  
13 office of the judge \* \* \*. This may include expenses to travel  
14 out of state once per state fiscal year for continuing legal  
15 education classes and or seminars if approved by the Chief  
16 Justice. In addition to the once per fiscal year out of state  
17 travel for continuing legal education classes and or seminars, the  
18 allowance may be used for out of state travel to the Mississippi



19 Bar Convention if no other funds are available. The allowance  
20 shall be paid only to the extent of actual expenses incurred by  
21 the judge as itemized and certified by the judge to the Supreme  
22 Court in the amounts set forth in this subsection; however, the  
23 judge may expend sums in excess thereof from the compensation  
24 otherwise provided for his office.

25       \* \* \* The office operating allowance under this subsection  
26 shall be Fifteen Thousand Dollars (\$15,000.00) per annum. Any  
27 circuit judge or chancellor who does not have suitable primary  
28 office space provided by the county in which he or she resides, is  
29 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum  
30 to defray the actual expenses incurred by the judge or chancellor  
31 in maintaining an office. Whether primary office space offered by  
32 a county is suitable for the needs of the circuit judge or  
33 chancellor to whom it is offered, is left to the sound discretion  
34 of the circuit judge or chancellor. Any county in which a circuit  
35 judge or chancellor to whom it is offered, is left to the sound  
36 discretion of the circuit judge or chancellor. Any county in  
37 which a circuit judge or chancellor sits is authorized to provide  
38 funds from any available source to assist in defraying the actual  
39 expenses to maintain an office.

40       (2) In addition to the amounts provided for in subsection  
41 (1), there is created a separate office allowance fund for the  
42 purpose of providing support staff to judges. This fund shall be  
43 managed by the Administrative Office of Courts.



44           (3) Each judge who desires to employ support staff must have  
45 each candidate approved by the Administrative Office of Courts  
46 before the positions may be filled. The Administrative Office of  
47 Courts shall not approve any hire which does not first require the  
48 expenditure of the funds in the support staff fund for  
49 compensation of any of the support staff before expenditure is  
50 authorized of county funds for that purpose. Upon approval by the  
51 Administrative Office of Courts, the judge or judges may appoint  
52 the employees to the position or positions, and each employee so  
53 appointed will work at the will and pleasure of the judge or  
54 judges who appointed him but will be employees of the  
55 Administrative Office of Courts. Upon approval by the  
56 Administrative Office of Courts, the appointment of any support  
57 staff shall be evidenced by the entry of an order on the minutes  
58 of the court. When support staff is appointed jointly by two (2)  
59 or more judges, the order setting forth any appointment shall be  
60 entered on the minutes of each participating court.

61           (4) Support staff shall receive compensation pursuant to  
62 personnel policies established by the Administrative Office of  
63 Courts, provided however, that the salary range for any staff  
64 member that is authorized to practice law in the State of  
65 Mississippi shall be the same as provided for in Section  
66 25-3-35(7) for assistant district attorneys. Each judge shall be  
67 allotted the amount of One Hundred Thirty Thousand Dollars



68 (\$130,000.00) per fiscal year for all support staff approved by  
69 the Administrative Office of Courts.

70 The Administrative Office of Courts may approve expenditures  
71 from the fund for additional equipment for support staff appointed  
72 pursuant to this section in any year in which the allocation per  
73 judge is sufficient to meet the equipment expense after provision  
74 for the compensation of the support staff.

75 (5) For the purposes of this section, the following terms  
76 have the meaning ascribed in this subsection unless the context  
77 clearly requires otherwise:

78 (a) "Judges" means circuit judges and chancellors, or  
79 any combination thereof.

80 (b) "Support staff" means court administrators, law  
81 clerks, legal research assistants or secretaries, or any  
82 combination thereof, but shall not mean school attendance  
83 officers.

84 (c) "Compensation" means the gross salary plus all  
85 amounts paid for benefits or otherwise as a result of employment  
86 or as required by employment; however, only salary earned for  
87 services rendered shall be reported and credited for Public  
88 Employees' Retirement System purposes. Amounts paid for benefits  
89 or otherwise, including reimbursement for travel expenses, shall  
90 not be reported or credited for retirement purposes.



91 (d) "Law clerk" means a clerk hired to assist a judge  
92 or judges who has a law degree or who is a full-time law student  
93 who is making satisfactory progress at an accredited law school.

94 (6) Title to all tangible property, excepting stamps,  
95 stationery and minor expendable office supplies, procured with  
96 funds authorized by this section, shall be and forever remain in  
97 the State of Mississippi to be used by the circuit judge or  
98 chancellor during the term of his office and thereafter by his  
99 successors.

100 \* \* \*

101 ( \* \* \*7) The Supreme Court, through the Administrative  
102 Office of Courts, shall submit to the Department of Finance and  
103 Administration the itemized and certified expenses for office  
104 operating allowances that are directed to the court pursuant to  
105 this section.

106 ( \* \* \*8) The Supreme Court, through the Administrative  
107 Office of Courts, \* \* \* may adopt advisory rules and regulations  
108 to assist the circuit judges and chancellors regarding the  
109 administration of the office operating allowance authorized  
110 pursuant to this section. However, the circuit and chancery court  
111 judges shall determine the needs of their respective offices and  
112 how the office operating allowances provided to them are to be  
113 expended.

114 (9) Any office allowance funds provided for in subsection  
115 (1) that are not spent in the budget year in which they were



116 appropriated shall carryover and be available for use in the  
117 succeeding or succeeding budget years.

118       **SECTION 2.** This act shall take effect and be in force from  
119 and after July 1, 2025.

